

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-30464 of 2015(O&M)
Date of decision : 01.10.2015

Mohd. Salim

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. P. S. Sekhon, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG, Punjab
assisted with HC Jasvir Singh

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure (for short, 'the Cr.P.C.') seeking regular bail in case FIR No.66 dated 05.06.2014, registered under Sections 22/61/85 of the Narcotic Drugs and Psychotropic Substances Act, (for short, 'the NDPS') at Police Station City-I, Malekotla, District Sangrur.

The learned counsel, inter alia, contends that the Rexcof intoxicating substance was allegedly recovered from the petitioner which contains codeine phosphate. However, the alleged recovery is slightly more than the non-commercial quantity. The lenient view may be taken as the petitioner is the only earning member of the family and saddled with the responsibility of the marriageable children and old

parents. He cites **Manpreet Singh Vs. State of Punjab**, 2005 (1) RCR (Criminal) 102.

On the other hand, the learned State counsel informs that the petitioner is not involved in any other FIR and he is in custody since 05.06.2014. He submits that out of 12 witnesses 7 have been given up and only one has been examined so far.

I have heard the learned counsel for the parties and perused the record.

Keeping in view the fact that the quantity is slightly higher than the non-commercial quantity and the fact that out of 12 witnesses 7 have been given up and only one has been examined so far, it can be safely inferred that the trial is not likely to be concluded in the near future, without adverting to the merits of the instant case, this petition is allowed. The petitioner be admitted to bail, on his furnishing bail bonds/surety bonds, to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate, concerned.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

01.10.2015

ashok

(JITENDRA CHAUHAN)
JUDGE